

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>PHILLIP SILVAGNI,</b>	:	
<b>Plaintiff</b>	:	<b>No. 1:15-cv-00813</b>
	:	
	:	
<b>v.</b>	:	
	:	
	:	
<b>CAROLYN W. COLVIN,</b>	:	<b>(Judge Kane)</b>
<b>Commissioner of the</b>	:	
<b>Social Security Administration,</b>	:	<b>(Magistrate Judge Schwab)</b>
<b>Defendant</b>	:	
	:	

**ORDER**

Before the Court in the above-captioned action is the September 12, 2016 Report and Recommendation of Magistrate Judge Schwab. (Doc. No. 9.) On September 29, 2016, Defendant filed a letter waiving the opportunity to object to the Report and Recommendation. (Doc. No. 10.) Accordingly, this 30th day of September, 2016, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

1. The Court adopts the Report and Recommendation (Doc. No. 9) of Magistrate Judge Schwab;
2. The decision of the Commissioner is **VACATED**, and Plaintiff Phillip Silvagni's claim is **REMANDED** to the Commissioner for a new administrative hearing pursuant to sentence four of 42 U.S.C. §405(g);
3. The Clerk of Court is directed to enter judgment in favor of Plaintiff Phillip Silvagni and against the Commissioner; and
4. The Clerk of Court is directed to close the case.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania